

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EZRA COHEN,
Plaintiff,

COMPLAINT
Case No. 07 CIV 5834
JUDGE CASTEL

-against-

ELIAS HOROWITZ, a/k/a AL HOROWITZ, a/k/a
ALISHA E. HOROWITZ, a/k/a ALIASA HOROWITZ
a/k/a ELISHA HOROWITZ and SARAH WERZBERGER,
a/k/a CHAYA SARAH WERZBERGER,

Defendants

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Plaintiff, complaining of defendant, by his attorney, alleges:

JURISDICTION AND VENUE

1. This action is brought, and this Court has jurisdiction, pursuant to 28 U.S.C. Section 1332.
2. Plaintiff is a citizen of Mexico.
3. Defendants are citizens of the State of New York.
4. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs.
5. Venue is placed in this District because the defendants reside in the Southern District of New York.

FIRST CAUSE OF ACTION AGAINST DEFENDANT
ELIAS HOROWITZ

6. Plaintiff purchased an insurance policy from La Suisse Life Insurance Company ("La Suisse").
7. Pursuant to said policy, plaintiff was entitled to receive the sum of \$68,127.13.
8. Defendant converted said sum to himself and has refused to pay it over to plaintiff although duly demanded.

SECOND CAUSE OF ACTION AGAINST BOTH DEFENDANTS

9. Plaintiff repeats the allegations set forth in paragraphs 1 through 8 of the complaint as if fully set forth herein.
10. At various times, defendants represented to plaintiff that they would undertake all actions necessary to obtain the sum due to plaintiff from LaSuisse.
11. Plaintiff relied upon said representations and therefore did not Make a claim with LaSuisse.
12. In making their representations, defendants' intent was to obtain the sum due to plaintiff from LaSuisse and to retain said sum for themselves, or either of them.
13. Defendants' intention was to defraud plaintiff and thereby obtain

\$68,127.13 for themselves, or either of them.

WHEREFORE, plaintiff demands judgment (a) against defendant ELIAS HOROWITZ on the First Cause of Action in the sum of \$68,127.13 in actual damages and \$500,000.00 in punitive damages; and (b) against defendants ELIAS HOROWITZ and SARAH WERZBERGER, jointly and severally, on the Second Cause of Action, in the sum of \$68,127.13 in actual damages and \$500,000.00 in punitive damages.



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U.S. DISTRICT COURT :
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-against-

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Defendants

COMPLAINT

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